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RCE/1648
JUN 11 2004
SC28

**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).

<i>O I P E</i> JUN 11 2004 PATENT & TRADEMARK OFFICE	<i>SC28</i>	<i>RCE/1648</i>
Application Number	09/459,062	
Filing Date	December 10, 1999	
Examiner Name	Stacy Chen	
First Named Inventor	Brian R. Murphy et al	
Group Art Unit	1648	
Attorney Docket Number	2303-2-3	

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. Previously submitted
 - i. Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____ (Any unentered amendment(s) referred to above will be entered).
 - ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - iii. Other _____
- b. Enclosed
 - i. Response
 - ii. Affidavit(s)/Declaration(s)
 - iii. Information Disclosure Statement (IDS)
 - iv. Other _____

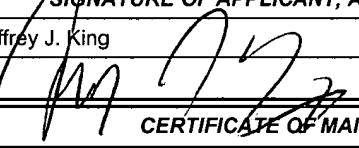
2. Miscellaneous

- a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. Other _____

3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

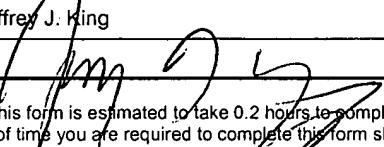
- a. The Director is hereby authorized to charge any deficiency fees or credit any overpayments, to Deposit Account No. 07-1897
 - i. RCE fee required under 37 C.F.R. § 1.17(e)
 - ii. Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
 - iii. Other _____
- b. Check in the amount of \$ 770.00 enclosed
- c. Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	Jeffrey J. King	Registration No. (Attorney/Agent)	38,515
Signature			
Date	June 7, 2004		

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450:

Name (Print /Type)	Jeffrey J. King
Signature	
Date	June 7, 2004

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DOCKET NO.: 2303-2-3

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Tao Tao et al.

Serial No.: 09/459,062

Group Art Unit: 1648

Filing Date: December 10, 1999

Examiner: Stacy Chen

For: CONSTRUCTION AND USE OF RECOMBINANT PARAINFLUENZA VIRUSES EXPRESSING A CHIMERIC GLYCOPROTEIN

DATE OF DEPOSIT: June 7, 2004

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO MAIL STOP RCE, THE COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450

TYPED NAME: Jeffrey King

Mail Stop: RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

Further to the Notice of Appeal received by the Office on March 5, 2004, and responsive to the Office Action dated October 3, 2003, entry of the following remarks is earnestly solicited. An extension of one month from the due date of the Appeal Brief is respectfully requested, and a Request for Continued Examination (RCE) is filed herewith.

A current listing of claims begins on page 2 of this paper.

Remarks/Arguments begin on page 10 of this paper.

A Petition for (1) one month extension, Request for Continued Examination, and appropriate fees are filed herewith.